





## Cancelled: Pretty Prairie, KS - Nitrate Issue

Thu 04/24/2008 11:00 AM - 12:00 PM

Attendance is required for Stacie Tucker

Chair: **Monica Wurtz/R7/USEPA/US**

Rooms: 3230/R7-RO@EPA

**Monica Wurtz** has cancelled this meeting. Your calendar will be updated to reflect this change.

Required: Chris Dudding/R7/USEPA/US@EPA, Diane Huffman/R7/USEPA/US@EPA, Mary Mindrup/R7/USEPA/US@EPA, Stacie Tucker/R7/USEPA/US@EPA

### Description

Mary & I received a letter on 4-21 from the mayor of Pretty Prairie requesting that we come meet with the city and their council members regarding nitrate compliance issues. The purpose of our meeting is to decide who, from EPA, should attend the meeting with Pretty Prairie and to discuss both past and present enforcement action taken on this system. I've attached some recent correspondence.



Pretty Prairie 4-16-08.pdf



Pretty Prairie 2-4-08.pdf

Monica  
x7868



## Cancelled: Pretty Prairie, KS - Nitrate Issue

Thu 04/24/2008 11:00 AM - 12:00 PM

Attendance is **required** for Stacie Tucker

Chair: **Monica Wurtz/R7/USEPA/US**

Rooms: 3230/R7-RO@EPA

**Monica Wurtz** has cancelled this meeting. Your calendar will be updated to reflect this change.

Required: Chris Dudding/R7/USEPA/US@EPA, Diane Huffman/R7/USEPA/US@EPA, Mary Mindrup/R7/USEPA/US@EPA, Stacie Tucker/R7/USEPA/US@EPA

### Description





[Hide Details](#)

## Pretty Prairie-Nitrates issue

Tue 04/29/2008 3:00 PM - 4:00 PM

Attendance is **optional** for Stacie Tucker

Chair: **Monica Wurtz/R7/USEPA/US**

Rooms: 3230/R7-RO@EPA



This entry has an alarm. The alarm will go off 30 minutes before the entry starts.

Required:

Chris Dudding/R7/USEPA/US@EPA, Diane Huffman/R7/USEPA/US@EPA, Mary Mindrup/R7/USEPA/US@EPA

Optional:

Ken Deason/R7/USEPA/US@EPA, Stacie Tucker/R7/USEPA/US@EPA

### Description

Diane - The phone # in 3230: (913) 551-8647. Thanks.

### Personal Notes





{In Archive} Fw: PP Report

Monica Wurtz to: Mary Mindrup

04/30/2008 01:02 PM

Cc: Ken Deason, Diane Huffman, Chris Dudding, Stacie Tucker

---

History: This message has been forwarded.

Archive: This message is being viewed in an archive.

I received the following response from Dave Waldo (KDHE) regarding Pretty Prairie. These were the questions that I sent:

1. The directive requires a feasibility study to be prepared and submitted to KDHE by December 20, 2007. Was this task completed by the deadline?
2. If the feasibility study was submitted by the required date, what is the next step? Is there a required timeline for implementing the study?
3. What is the status of the other systems that were sent (nitrate) directives?

Monica  
x7868

----- Forwarded by Monica Wurtz/R7/USEPA/US on 04/30/2008 12:51 PM -----



DWaldo@kdhe.state.ks.us

04/30/2008 11:44 AM

To Monica Wurtz/R7/USEPA/US@EPA

cc KKelsey@kdhe.state.ks.us, DClair@kdhe.state.ks.us,  
DPlummer@kdhe.state.ks.us

Subject PP Report

A copy of the Pretty Prairie report is attached. It was received December 7, 2007. We have not placed Pretty Prairie under any schedule.

The other systems that received nitrate directives during 2007 and their status is as follows:

<b>WATER SYSTEM NAME</b>	<b>FEDERAL ID No.</b>	<b>STATE ID No.</b>	<b>KDHE DISTRICT</b>	<b>VIOLATIONS</b>	<b>CASE No.</b>	<b>ISSUED DATE</b>	<b>RESPONSE DUE DATE</b>
Woodston, City of	KS2016307	Y7000	NWD	Nitrate	Directive	05/14/07	10/1/2007
Pretty Prairie, City of	KS2015501	T4000	SCD	Nitrate	Directive	07/20/07	12/20/2007
Green, City of	KS2002703	J6500	NCD	Nitrate	Directive	09/14/07	3/1/2008
Kirwin, City of	KS2014702	M7000	NWD	Nitrate	Directive	09/28/07	5/1/2008
Everest, City of	KS2001308	I1000	NED	Nitrate	Directive	11/09/07	5/1/2008
Haviland, City of	KS2009703	K5000	SWD	Nitrate	Directive	11/30/07	5/1/2008

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503



Fax 785 296 5509 Pretty Prairie Nitrate Feasibility Study 2007.pdf





{In Archive} Pretty Prairie history

Stacie Tucker to: Monica Wurtz

01/07/2009 11:39 AM

Archive:

This message is being viewed in an archive.

Hi Monica,

Here is the info that I have.



Pretty Prairie Chronology 5.21.08.doc

If you need to see the working folder from WENF w/ Rochelle's notes - the blue folder is in my old cube, in the drawer marked Drinking Water.

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
AWMD / RESP  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov





{In Archive} Fw: Feedback Wanted - Pretty Prairie draft letter

Stacie Tucker to: Monica Wurtz

05/12/2008 12:55 PM

Cc: Chris Dudding, Diane Huffman, Ken Deason

Archive:

This message is being viewed in an archive.

Here is the letter. I agree with Chris' suggested changes:



Pretty Prairie PWS Nitrate Letter from CD 5.12.08.doc

Chris - maybe you can use what you snipped for the letter you're drafting to KDHE?

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/12/2008 12:12 PM -----



Chris Dudding/R7/USEPA/US

05/12/2008 11:45 AM

To Stacie Tucker/R7/USEPA/US@EPA

cc

Subject Re: Feedback Wanted - Pretty Prairie draft letter

Took it home and spent some time winnowing down the letter on Saturday morning, trying to get it as short and sweet as possible. To this end, I did snip quite a bit.

I suggest reading the "final" version and see if it conveys your intent before focusing on what I moved around or took out or commented on in the "final with markup" version.

Holler at me when you get a chance to review.



letter to city.doc

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925

dudding.chris@epa.gov



{In Archive} Re: Feedback Wanted - Pretty Prairie draft letter  
**Chris Dudding** to: Stacie Tucker

05/12/2008 11:45 AM

History: This message has been forwarded.

Archive: This message is being viewed in an archive.

Took it home and spent some time winnowing down the letter on Saturday morning, trying to get it as short and sweet as possible. To this end, I did snip quite a bit.

I suggest reading the "final" version and see if it conveys your intent before focusing on what I moved around or took out or commented on in the "final with markup" version.

Holler at me when you get a chance to review.



letter to city.doc

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov





{In Archive} Re: Feedback Wanted - Pretty Prairie draft letter 

Chris Dudding to: Stacie Tucker

Cc: Ken Deason, Monica Wurtz

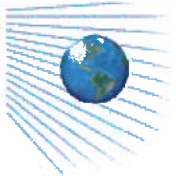
05/09/2008 01:35 PM

Archive:

This message is being viewed in an archive.

Working on edits. Think I can help condense further.

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov  
Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

05/09/2008 10:31 AM

To Monica Wurtz/R7/USEPA/US@EPA

cc Chris Dudding/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA

Subject Re: Feedback Wanted - Pretty Prairie draft letter 

Thanks for the feedback Monica.

Here's what I have:



Ltr to Pretty Prairie re Nitrates Issue 5.9.08.doc

Here's what I was trying to convey in the letter:

Letter outline:

- EPA got Pretty Prairie's correspondence requesting a meeting with EPA to discuss the on-going nitrate issue
- EPA is aware of PP's history of violations, and appreciates the steps that PP has taken to communicate with EPA about PP's concerns
- EPA understands the invitation to sit down & discuss the nitrate issues with PP, but will defer this meeting invitation to KDHE
- PP cannot use bottled water as a long term treatment option to resolve the nitrate MCL exceedances, due to the goal of the SDWA to protect public health – expressly prohibited in the SDWA regulation
- PP should make an effort to cooperate with KDHE, since KDHE is the primacy agency for SDWA in KS
- PP must implement and complete an enforceable compliance schedule from KDHE
- EPA expects PP to meet nitrate MCL no later than 12/31/2009

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Monica Wurtz/R7/USEPA/US



Monica Wurtz/R7/USEPA/US

05/09/2008 10:14 AM

To Stacie Tucker/R7/USEPA/US@EPA

cc

Subject Re: Feedback Wanted - Pretty Prairie draft letter 

Stacie,

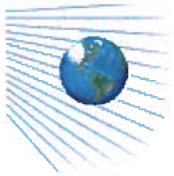
My suggestions:

1. I prefer the second letter
2. Add Mary to list of concurrence
3. Remove paragraph 11, it's repetitive
4. In paragraph 8, remove first sentence (repetitive) and maybe provide a sentence that states we defer the meeting to KDHE?
5. Be consistent with the use of the word system (System or system)

I forwarded these letters onto Ken and Mary. If they have any comments, they will send them onto you.  
Thanks, Stacie.

Monica

Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

05/08/2008 05:32 PM

To Chris Dudding/R7/USEPA/US@EPA, Monica  
Wurtz/R7/USEPA/US@EPA

cc

Subject Feedback Wanted - Pretty Prairie draft letter

Hi Chris & Monica,

Here is the draft letter. The first version has my comments, the 2nd version has some additional tweaks. I think 4 pages is a long letter - but I'm not sure where to cut.

[attachment "Ltr to Pretty Prairie re Nitrates Issue 5.8.08.doc" deleted by Monica Wurtz/R7/USEPA/US]

[attachment "Ltr to Pretty Prairie re Nitrates Issue2 5.8.08.doc" deleted by Monica



Wurtz/R7/USEPA/US]

Please let me know what you think. I'm open to format or content changes, but I think we need to reach a consensus before I route this for concurrence.

Thanks,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>





**{In Archive} Feedback Wanted - Pretty Prairie draft letter**

**Stacie Tucker** to: Chris Dudding, Monica Wurtz

05/08/2008 05:32 PM

Archive:

This message is being viewed in an archive.

Hi Chris & Monica,

Here is the draft letter. The first version has my comments, the 2nd version has some additional tweaks. I think 4 pages is a long letter - but I'm not sure where to cut.



Ltr to Pretty Prairie re Nitrates Issue 5.8.08.doc



Ltr to Pretty Prairie re Nitrates Issue2 5.8.08.doc

Please let me know what you think. I'm open to format or content changes, but I think we need to reach a consensus before I route this for concurrence.

Thanks,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>





{In Archive} Re: Feedback Wanted - Pretty Prairie draft letter 

Monica Wurtz to: Stacie Tucker

05/09/2008 10:14 AM

History: This message has been replied to.  
Archive: This message is being viewed in an archive.

Stacie,

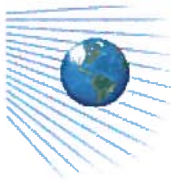
My suggestions:

1. I prefer the second letter
2. Add Mary to list of concurrence
3. Remove paragraph 11, it's repetitive
4. In paragraph 8, remove first sentence (repetitive) and maybe provide a sentence that states we defer the meeting to KDHE?
5. Be consistent with the use of the word system (System or system)

I forwarded these letters onto Ken and Mary. If they have any comments, they will send them onto you.  
Thanks, Stacie.

Monica

Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

05/08/2008 05:32 PM

To Chris Dudding/R7/USEPA/US@EPA, Monica  
Wurtz/R7/USEPA/US@EPA

cc

Subject Feedback Wanted - Pretty Prairie draft letter

Hi Chris & Monica,

Here is the draft letter. The first version has my comments, the 2nd version has some additional tweaks. I think 4 pages is a long letter - but I'm not sure where to cut.

[attachment "Ltr to Pretty Prairie re Nitrates Issue 5.8.08.doc" deleted by Monica Wurtz/R7/USEPA/US]

[attachment "Ltr to Pretty Prairie re Nitrates Issue2 5.8.08.doc" deleted by Monica  
Wurtz/R7/USEPA/US]

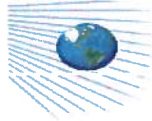
Please let me know what you think. I'm open to format or content changes, but I think we need to reach a consensus before I route this for concurrence.

Thanks,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:

<http://www.epa.gov/compliance/complaints/index.html>



{In Archive} Re: Feedback Wanted - Pretty Prairie draft letter 

Stacie Tucker to: Monica Wurtz

Cc: Chris Dudding, Ken Deason

05/09/2008 10:31 AM

Archive:

This message is being viewed in an archive.

Thanks for the feedback Monica.

Here's what I have:



Ltr to Pretty Prairie re Nitrates Issue 5.9.08.doc

Here's what I was trying to convey in the letter:

Letter outline:

- EPA got Pretty Prairie's correspondence requesting a meeting with EPA to discuss the on-going nitrate issue
- EPA is aware of PP's history of violations, and appreciates the steps that PP has taken to communicate with EPA about PP's concerns
- EPA understands the invitation to sit down & discuss the nitrate issues with PP, but will defer this meeting invitation to KDHE
- PP cannot use bottled water as a long term treatment option to resolve the nitrate MCL exceedances, due to the goal of the SDWA to protect public health – expressly prohibited in the SDWA regulation
- PP should make an effort to cooperate with KDHE, since KDHE is the primacy agency for SDWA in KS
- PP must implement and complete an enforceable compliance schedule from KDHE
- EPA expects PP to meet nitrate MCL no later than 12/31/2009

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Monica Wurtz/R7/USEPA/US



Monica Wurtz/R7/USEPA/US

05/09/2008 10:14 AM

To Stacie Tucker/R7/USEPA/US@EPA

cc

Subject Re: Feedback Wanted - Pretty Prairie draft letter 

Stacie,

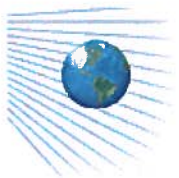
My suggestions:

1. I prefer the second letter
2. Add Mary to list of concurrence
3. Remove paragraph 11, it's repetitive
4. In paragraph 8, remove first sentence (repetitive) and maybe provide a sentence that states we defer the meeting to KDHE?
5. Be consistent with the use of the word system (System or system)

I forwarded these letters onto Ken and Mary. If they have any comments, they will send them onto you.  
Thanks, Stacie.

Monica

Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

05/08/2008 05:32 PM

To Chris Dudding/R7/USEPA/US@EPA, Monica  
Wurtz/R7/USEPA/US@EPA  
cc

Subject Feedback Wanted - Pretty Prairie draft letter

Hi Chris & Monica,

Here is the draft letter. The first version has my comments, the 2nd version has some additional tweaks. I think 4 pages is a long letter - but I'm not sure where to cut.

[attachment "Ltr to Pretty Prairie re Nitrates Issue 5.8.08.doc" deleted by Monica Wurtz/R7/USEPA/US]

[attachment "Ltr to Pretty Prairie re Nitrates Issue2 5.8.08.doc" deleted by Monica  
Wurtz/R7/USEPA/US]

Please let me know what you think. I'm open to format or content changes, but I think we need to reach a consensus before I route this for concurrence.

Thanks,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>



In Archive] Fw: Feedback Wanted - Pretty Prairie draft letter  
Ken Deason

Stacie Tucker  
5/09/2008 11:39 AM  
To: Monica Wurtz, Mary Mindrup  
Hide Details  
From: Ken Deason/R7/USEPA/US

To: Stacie Tucker/R7/USEPA/US@EPA

Cc: Monica Wurtz/R7/USEPA/US@EPA, Mary Mindrup/R7/USEPA/US@EPA

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Archive: This message is being viewed in an archive.

#### Attachments



Ltr to Pretty Prairie re Nitrates Issue 5 8 08.doc Ltr to Pretty Prairie re Nitrates Issue2 5 8 08.doc

Stacie,

concur with Monica's comments on the use of the second letter. Her recommendations are good. The letter will still need some editing, but it will be close. You have covered the major points well. Thank you for your effort on this matter.  
Ken

From the desk of ....  
Ken Deason, Geologist  
US EPA, Region 7  
01 North 5th Street  
Kansas City, Kansas 66101

13-551-7585 Fax: 8722

THE INFORMATION IN THIS ELECTRONIC COMMUNICATION IS INTENDED SOLELY FOR THE NAMED RECIPIENT AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF 7585.

-----Forwarded by Ken Deason/R7/USEPA/US on 05/09/2008 11:34AM -----

To: Ken Deason/R7/USEPA/US@EPA, Mary Mindrup/R7/USEPA/US@EPA  
From: Monica Wurtz/R7/USEPA/US  
Date: 05/09/2008 09:39AM  
Subject: Fw: Feedback Wanted - Pretty Prairie draft letter

Stacie's draft letter (2 versions) to Pretty Prairie is attached below.

My suggestions for Stacie will be:

1. I prefer the second letter
2. Add Mary to list of concurrence
3. Remove paragraph 11, it's repetitive
4. In paragraph 8, remove first sentence (repetitive) and maybe provide a sentence that states we defer the meeting to KDHE?
5. Be consistent with the use of the word system (System or system)

Please provide your comments to Stacie. Thank you.

Monica

----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/09/2008 08:55 AM -----

**Stacie Tucker/R7/USEPA/US**

To: Chris Dudding/R7/USEPA/US@EPA, Monica Wurtz/R7/USEPA/US@EPA

CC

05/08/2008 05:32 PM

Subject: Feedback Wanted - Pretty Prairie draft letter

Hi Chris & Monica,

Here is the draft letter. The first version has my comments, the 2nd version has some additional tweaks. I think 4 pages is a long letter - but I'm not sure where to cut.


Please let me know what you think. I'm open to format or content changes, but I think we need to reach a consensus before I route this for concurrence.

Thanks,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>



{In Archive} Re: Pretty Prairie   
Diane Huffman to: Stacie Tucker

05/19/2008 11:28 AM

History: This message has been replied to.  
Archive: This message is being viewed in an archive.

The letter to pretty prairie

Stacie Tucker

----- Original Message -----

**From:** Stacie Tucker  
**Sent:** 05/19/2008 11:23 AM CDT  
**To:** Diane Huffman  
**Subject:** Re: Pretty Prairie

Hi Diane,

Do you want a copy of our letter to Pretty Prairie about Nitrates, or the letter to KDHE about Pretty Prairie?

Monica is working on drafts to the KDHE letter this morning.

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Diane Huffman/R7/USEPA/US



Diane  
Huffman/R7/USEPA/US  
05/19/2008 10:32 AM

To "Stacie Tucker" <Tucker.Stacie@epamail.epa.gov>  
cc  
Subject Pretty Prairie

Please email a copy of the letter that is being routed. Thanks





{In Archive} Re: Fw: Feedback Wanted - Pretty Prairie draft letter 

Monica Wurtz to: Stacie Tucker

05/12/2008 04:25 PM

Archive: This message is being viewed in an archive.

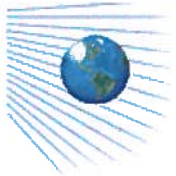
Stacie,

Here are my suggestions after Ken and Chris's changes. Also, Mary suggested that Diane sign the letter to PP, and Mary sign the letter to KDHE, instead of Art. Thanks!



Pretty Prairie 5-12-08.doc

Monica  
x7868  
Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

05/12/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc Chris Dudding/R7/USEPA/US@EPA, Diane  
Huffman/WWPDP/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA

Subject Fw: Feedback Wanted - Pretty Prairie draft letter

Here is the letter. I agree with Chris' suggested changes:  
[attachment "Pretty Prairie PWS Nitrate Letter from CD 5.12.08.doc" deleted by Monica  
Wurtz/R7/USEPA/US]

Chris - maybe you can use what you snipped for the letter you're drafting to KDHE?

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/12/2008 12:12 PM -----



Chris Dudding/R7/USEPA/US

05/12/2008 11:45 AM

To Stacie Tucker/R7/USEPA/US@EPA

cc

Subject Re: Feedback Wanted - Pretty Prairie draft letter 

Took it home and spent some time winnowing down the letter on Saturday morning, trying to get it as short and sweet as possible. To this end, I did snip quite a bit.

I suggest reading the "final" version and see if it conveys your intent before focusing on what I moved around or took out or commented on in the "final with markup" version.

Holler at me when you get a chance to review.

[attachment "letter to city.doc" deleted by Monica Wurtz/R7/USEPA/US]

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov



## Finalize Correspondence: Pretty Prairie Nitrates Letter: Completed on 07/31/2008

Start by: Tue 05/13/2008

Due by: Thu 05/15/2008

[Hide Details](#)

Owner: Stacie Tucker/R7/USEPA/US

Priority: Medium



This entry has an alarm. The alarm will go off 1 day before the entry starts.

Required: Linda Koska/WWPD/R7/USEPA/US@EPA  
Category: Projects; Clients

### Description

Hi Linda,

Thank you for sending this letter out. If you have any questions, or if I need to change something, please let me know.

Sincerely,  
Stacie  
x 7715



Pretty Prairie Nitrate Letter 5.12.08.doc







## Completed: Finalize Correspondence: Pretty Prairie Nitrates Letter

Start by **Tue 05/13/2008**

Due by **Thu 05/15/2008**

Priority: **Medium**

**To Do Completed:** Linda Koska has completed your To Do assignment

Required: Linda Koska/WWPD/R7/USEPA/US@EPA

### Description





{In Archive} letter to KDHE - draft / start  
**Chris Dudding** to: Monica Wurtz, Stacie Tucker

05/15/2008 12:13 PM

History: This message has been replied to.  
Archive: This message is being viewed in an archive.

I used prior letters as basis for structuring this one. Note, there are some policy issues that you will need to hash out w/ management, such as whether those dates are acceptable, and also what our enforcement policy is with regard to nitrate violators -- is it now a priority? Will we be reviewing nitrate violator systems over the next few months to ensure that systems are under an enforceable compliance schedule? If so, then do you want to say so under Art's signature?



statePlanletter.doc

There may be other stuff that you want to put into this letter. Enjoy!

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov





{In Archive} Re: letter to KDHE - draft / start   
**Chris Dudding** to: Stacie Tucker  
Cc: Diane Huffman, Ken Deason, Mary Mindrup, Monica Wurtz

05/15/2008 01:59 PM

Archive:

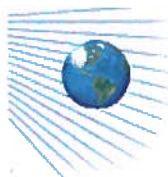
This message is being viewed in an archive.

I suggest that if you're going to remove that clause referencing variances/exemptions in the last paragraph, you should go ahead and remove the last two sentences altogether, leaving

"Please note that each System's responsibility to come into compliance with the statutory and regulatory requirements of the SDWA does not end with a demonstration of economic hardship."

as the final sentence.

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov  
Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US  
05/15/2008 01:47 PM

To: Chris Dudding/R7/USEPA/US@EPA, Monica  
Wurtz/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA  
cc: Diane Huffman/WWPD/R7/USEPA/US@EPA, Mary  
Mindrup/WWPD/R7/USEPA/US  
Subject: Re: letter to KDHE - draft / start 

Hi all,

Here are my suggested changes, based on the feedback for the prior letter:



EPA Ltr to KDHE about Pretty Prairie Nitrate Ltr 5.15.08.doc

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:

<http://www.epa.gov/compliance/complaints/index.html>

Chris Dudding/R7/USEPA/US



Chris  
Dudding/R7/USEPA/US

05/15/2008 12:13 PM

To Monica Wurtz/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA

cc

Subject letter to KDHE - draft / start

I used prior letters as basis for structuring this one. Note, there are some policy issues that you will need to hash out w/ management, such as whether those dates are acceptable, and also what our enforcement policy is with regard to nitrate violators -- is it now a priority? Will we be reviewing nitrate violator systems over the next few months to ensure that systems are under an enforceable compliance schedule? If so, then do you want to say so under Art's signature?



[statePlanletter.doc](#)

There may be other stuff that you want to put into this letter. Enjoy!

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
[dudding.chris@epa.gov](mailto:dudding.chris@epa.gov)



{In Archive} Re: Pretty Prairie   
**Stacie Tucker** to: Diane Huffman

05/19/2008 11:23 AM

Archive:

This message is being viewed in an archive.

Hi Diane,

Do you want a copy of our letter to Pretty Prairie about Nitrates, or the letter to KDHE about Pretty Prairie?

Monica is working on drafts to the KDHE letter this morning.

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Diane Huffman/R7/USEPA/US



Diane  
Huffman/R7/USEPA/US  
05/19/2008 10:32 AM

To "Stacie Tucker" <Tucker.Stacie@epamail.epa.gov>  
cc  
Subject Pretty Prairie

Please email a copy of the letter that is being routed. Thanks





[In Archive] Fw: Feedback Wanted - Pretty Prairie draft letter  
Ken Deason

Stacie Tucker  
5/09/2008 11:39 AM

cc: Monica Wurtz, Mary Mindrup  
Hide Details  
From: Ken Deason/R7/USEPA/US

cc: Stacie Tucker/R7/USEPA/US@EPA

cc: Monica Wurtz/R7/USEPA/US@EPA, Mary Mindrup/R7/USEPA/US@EPA

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Archive: This message is being viewed in an archive.

#### Attachments



Ltr to Pretty Prairie re Nitrates Issue 5.8.08.doc Ltr to Pretty Prairie re Nitrates Issue2 5.8.08.doc

Stacie,

I concur with Monica's comments on the use of the second letter. Her recommendations are good. The letter will still need some editing, but it will be close. You have covered the major points well. Thank you for your effort on this matter.  
Ken

From the desk of ....  
Ken Deason, Geologist  
US EPA, Region 7  
01 North 5th Street  
Kansas City, Kansas 66101

13-551-7585 Fax: 8722

THE INFORMATION IN THIS ELECTRONIC COMMUNICATION IS INTENDED SOLELY FOR THE NAMED RECIPIENT AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF 7585.

-----Forwarded by Ken Deason/R7/USEPA/US on 05/09/2008 11:34AM -----

To: Ken Deason/R7/USEPA/US@EPA, Mary Mindrup/R7/USEPA/US@EPA  
From: Monica Wurtz/R7/USEPA/US  
Date: 05/09/2008 09:39AM  
Subject: Fw: Feedback Wanted - Pretty Prairie draft letter

Stacie's draft letter (2 versions) to Pretty Prairie is attached below.

My suggestions for Stacie will be:

1. I prefer the second letter
2. Add Mary to list of concurrence
3. Remove paragraph 11, it's repetitive
4. In paragraph 8, remove first sentence (repetitive) and maybe provide a sentence that states we defer the meeting to KDHE?
5. Be consistent with the use of the word system (System or system)

Please provide your comments to Stacie. Thank you.

Monica

----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/09/2008 08:55 AM -----

Stacie Tucker/R7/USEPA/US

cc: To: Chris Dudding/R7/USEPA/US@EPA, Monica Wurtz/R7/USEPA/US@EPA

cc

05/08/2008 05:32 PM

Subject: Feedback Wanted - Pretty Prairie draft letter

Hi Chris & Monica,

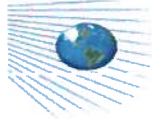
Here is the draft letter. The first version has my comments, the 2nd version has some additional tweaks. I think 4 pages is a long letter - but I'm not sure where to cut.

Please let me know what you think. I'm open to format or content changes, but I think we need to reach a consensus before I route this for concurrence.

Thanks,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>



{In Archive} Fw: Pretty Prairie

Stacie Tucker to: Monica Wurtz

Cc: Chris Dudding, Ken Deason, Mary Mindrup, Diane Huffman

05/19/2008 02:16 PM

Archive:

This message is being viewed in an archive.

Hi Monica,

Chris is right about our letter to KDHE. We should be sure that we mention that the no bottled water letter you sent Pretty Prairie in April. The 2007 Directive Paragraph 2.b. allowed bottled water, whereas the SDWA has a prohibition against prolonged use of bottled water as a treatment technique.

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/19/2008 02:14 PM -----



Chris Dudding/R7/USEPA/US

05/19/2008 02:11 PM

To Stacie Tucker/R7/USEPA/US@EPA

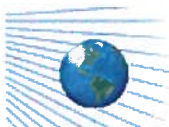
cc

Subject Re: Fw: Pretty Prairie

Seems like the letter we're drafting to go out under Diane's signature to KDHE is timely.

You may wish to consider addressing the Directive directly in the letter, including its lack of implementation/milestone dates and noting how Para 2.b, insofar as it allows bottled water indefinitely, is inconsistent with the SDWA and NPDWR and EPA's position.

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov  
Stacie Tucker/R7/USEPA/US

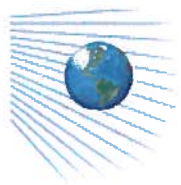


Stacie Tucker/R7/USEPA/US

05/19/2008 02:02 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc Chris Dudding/R7/USEPA/US@EPA, Diane



Huffman/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA  
Subject Re: Fw: Pretty Prairie 

Hi Monica,

What does Dave mean? I don't think the Pretty Prairie Order is in effect anymore. The most recent Order expired in 2003, and Pretty Prairie didn't meet those requirements.

KDHE has a Directive with the city, but it doesn't sound like Pretty Prairie is meeting those requirements either. Does Dave consider the Directive to be an Order, or does he consider the Directive to be an enforcement action?

How will KDHE hold the city accountable, since Pretty Prairie has been violating the Nitrate MCL since at least spring 1989 - including multiple enforcement actions?



Pretty Prairie Nitrate Summary 5.19.08.doc



Pretty Prairie 1996 Consent Order 96\_E\_0263.pdf



Pretty Prairie 2007 Directive.pdf

FYI - the July 2007 KDHE Directive seems to allow bottled water indefinitely, under Paragraph 2.b.

Also, the Feasibility Study requirement in the Directive has no implementation dates or milestone action dates - which is what I think we need to have Pretty Prairie commit to meet in the next 1-5 years (depending on construction costs, ability to pay, fees/rates, etc.).

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Monica Wurtz/R7/USEPA/US



Monica Wurtz/R7/USEPA/US

05/19/2008 01:00 PM

To Mary Mindrup/R7/USEPA/US@EPA  
cc Ken Deason/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA, Chris  
Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA  
Subject Fw: Pretty Prairie



----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/19/2008 12:59 PM -----



DWaldo@kdhe.state.ks.us

05/19/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc

Subject Re: Pretty Prairie

Monica, I do not anticipate KDHE requiring any specific action of Pretty Prairie, other than specified in the existing order, for the time being.

Dave

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509

Wurtz.Monica@epamail.epa.gov

05/15/2008 11:10 AM

To DWaldo@kdhe.state.ks.us

cc

Subject Re: Pretty Prairie

Dave,

Just wanted to give you a 'heads up' on a letter that EPA Region 7 is sending to Pretty Prairie in response to their April 21, 2008 letter requesting a meeting with EPA. You will be sent a copy (leaving our office today or tomorrow). Basically, the message of the letter is that EPA appreciates the offer to meet with PP, but we will decline the meeting. KDHE is the primacy agency for enforcing the Nitrate MCL and we encourage PP to work with KDHE to come into compliance with the Nitrate MCL as soon as reasonably possible.

Monica Wurtz, Environmental Scientist

US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868

DWaldo@kdhe.state.ks.us

04/24/2008 02:43 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie

It might be good to hold up on suggesting KDHE attend, also. We can still go even if you don't bring it up. Will have to consider PP will try to pit the state against EPA on this issue.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509  
Wurtz.Monica@epamail.epa.gov

04/24/2008 09:02 AM

To dwaldo@kdhe.state.ks.us  
cc  
Subject Pretty Prairie

Dave,

Mary & I received a letter from the Mayor of Pretty Prairie on 4-21, requesting that we come meet with his city council regarding the nitrates/bottled water issue. I've attached a copy of the letter. We are meeting with our attorney today to discuss who, from EPA, needs to attend this meeting and what our approach will be. I was going through our Pretty Prairie file and I found the AO that was sent by EPA and the draft Consent Order from KDHE. Do you think you could send me an electronic copy of the final Consent Order and the Directive that was sent to Pretty Prairie? This will help us in our preparation for the meeting. We have not set a date for the meeting yet, but I feel it would be appropriate for KDHE to be in attendance - I will mention this to Pretty Prairie when I call to set up the meeting.

Thank you.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868[attachment "Pretty Prairie 4-16-08.pdf" deleted by Dave Waldo/Kdhe]







{In Archive} Re: Fw: Pretty Prairie   
Chris Dudding to: Stacie Tucker

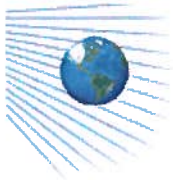
05/19/2008 02:11 PM

History: This message has been forwarded.  
Archive: This message is being viewed in an archive.

Seems like the letter we're drafting to go out under Diane's signature to KDHE is timely.

You may wish to consider addressing the Directive directly in the letter, including its lack of implementation/milestone dates and noting how Para 2.b, insofar as it allows bottled water indefinitely, is inconsistent with the SDWA and NPDWR and EPA's position.

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov  
Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US  
05/19/2008 02:02 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc Chris Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA  
Subject Re: Fw: Pretty Prairie 

Hi Monica,

What does Dave mean? I don't think the Pretty Prairie Order is in effect anymore. The most recent Order expired in 2003, and Pretty Prairie didn't meet those requirements.

KDHE has a Directive with the city, but it doesn't sound like Pretty Prairie is meeting those requirements either. Does Dave consider the Directive to be an Order, or does he consider the Directive to be an enforcement action?

How will KDHE hold the city accountable, since Pretty Prairie has been violating the Nitrate MCL since at least spring 1989 - including multiple enforcement actions?



Pretty Prairie Nitrate Summary 5.19.08.doc



Pretty Prairie 1996 Consent Order 96\_E\_0263.pdf



Pretty Prairie 2007 Directive.pdf

FYI - the July 2007 KDHE Directive seems to allow bottled water indefinitely, under Paragraph 2.b.

Also, the Feasibility Study requirement in the Directive has no implementation dates or milestone action

dates - which is what I think we need to have Pretty Prairie commit to meet in the next 1-5 years (depending on construction costs, ability to pay, fees/rates, etc.).

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Monica Wurtz/R7/USEPA/US



Monica Wurtz/R7/USEPA/US

05/19/2008 01:00 PM

To Mary Mindrup/R7/USEPA/US@EPA  
cc Ken Deason/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA, Chris  
Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA  
Subject Fw: Pretty Prairie

----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/19/2008 12:59 PM -----



DWaldo@kdhe.state.ks.us

05/19/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie

Monica, I do not anticipate KDHE requiring any specific action of Pretty Prairie, other than specified in the existing order, for the time being.

Dave

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509

Wurtz.Monica@epamail.epa.gov

05/15/2008 11:10 AM

To DWaldo@kdhe.state.ks.us

cc

Subject Re: Pretty Prairie

Dave,

Just wanted to give you a 'heads up' on a letter that EPA Region 7 is sending to Pretty Prairie in response to their April 21, 2008 letter requesting a meeting with EPA. You will be sent a copy (leaving our office today or tomorrow). Basically, the message of the letter is that EPA appreciates the offer to meet with PP, but we will decline the meeting. KDHE is the primacy agency for enforcing the Nitrate MCL and we encourage PP to work with KDHE to come into compliance with the Nitrate MCL as soon as reasonably possible.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868

DWaldo@kdhe.state.ks.us

04/24/2008 02:43 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc

Subject Re: Pretty Prairie

It might be good to hold up on suggesting KDHE attend, also. We can still go even if you don't bring it up. Will have to consider PP will try to pit the state against EPA on this issue.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509  
Wurtz.Monica@epamail.epa.gov

04/24/2008 09:02 AM

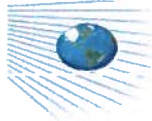
To dwaldo@kdhe.state.ks.us  
cc  
Subject Pretty Prairie

Dave,

Mary & I received a letter from the Mayor of Pretty Prairie on 4-21, requesting that we come meet with his city council regarding the nitrates/bottled water issue. I've attached a copy of the letter. We are meeting with our attorney today to discuss who, from EPA, needs to attend this meeting and what our approach will be. I was going through our Pretty Prairie file and I found the AO that was sent by EPA and the draft Consent Order from KDHE. Do you think you could send me an electronic copy of the final Consent Order and the Directive that was sent to Pretty Prairie? This will help us in our preparation for the meeting. We have not set a date for the meeting yet, but I feel it would be appropriate for KDHE to be in attendance - I will mention this to Pretty Prairie when I call to set up the meeting.

Thank you.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868[attachment "Pretty Prairie 4-16-08.pdf" deleted by Dave Waldo/Kdhe]



{In Archive} Re: Fw: Pretty Prairie 

Stacie Tucker to: Monica Wurtz

05/19/2008 02:02 PM

Cc: Chris Dudding, Diane Huffman, Ken Deason, Mary Mindrup

Archive:

This message is being viewed in an archive.

Hi Monica,

What does Dave mean? I don't think the Pretty Prairie Order is in effect anymore. The most recent Order expired in 2003, and Pretty Prairie didn't meet those requirements.

KDHE has a Directive with the city, but it doesn't sound like Pretty Prairie is meeting those requirements either. Does Dave consider the Directive to be an Order, or does he consider the Directive to be an enforcement action?

How will KDHE hold the city accountable, since Pretty Prairie has been violating the Nitrate MCL since at least spring 1989 - including multiple enforcement actions?



Pretty Prairie Nitrate Summary 5.19.08.doc



Pretty Prairie 1996 Consent Order 96\_E\_0263.pdf



Pretty Prairie 2007 Directive.pdf

FYI - the July 2007 KDHE Directive seems to allow bottled water indefinitely, under Paragraph 2.b.

Also, the Feasibility Study requirement in the Directive has no implementation dates or milestone action dates - which is what I think we need to have Pretty Prairie commit to meet in the next 1-5 years (depending on construction costs, ability to pay, fees/rates, etc.).

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Monica Wurtz/R7/USEPA/US



Monica Wurtz/R7/USEPA/US

05/19/2008 01:00 PM

To Mary Mindrup/R7/USEPA/US@EPA

cc Ken Deason/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA, Chris  
Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA

Subject Fw: Pretty Prairie

----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/19/2008 12:59 PM -----



DWaldo@kdhe.state.ks.us

05/19/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc

Subject Re: Pretty Prairie

Monica, I do not anticipate KDHE requiring any specific action of Pretty Prairie, other than specified in the existing order, for the time being.

Dave

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509

Wurtz.Monica@epamail.epa.gov

05/15/2008 11:10 AM

To DWaldo@kdhe.state.ks.us

cc

Subject Re: Pretty Prairie

Dave,

Just wanted to give you a 'heads up' on a letter that EPA Region 7 is sending to Pretty Prairie in response to their April 21, 2008 letter requesting a meeting with EPA. You will be sent a copy (leaving our office today or tomorrow). Basically, the message of the letter is that EPA appreciates the offer to meet with PP, but we will decline the meeting. KDHE is the primacy agency for enforcing the Nitrate MCL and we encourage PP to work with KDHE to come into compliance with the Nitrate MCL as soon as reasonably possible.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency

Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868

DWaldo@kdhe.state.ks.us

04/24/2008 02:43 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie

It might be good to hold up on suggesting KDHE attend, also. We can still go even if you don't bring it up. Will have to consider PP will try to pit the state against EPA on this issue.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509  
Wurtz.Monica@epamail.epa.gov

04/24/2008 09:02 AM

To dwaldo@kdhe.state.ks.us  
cc  
Subject Pretty Prairie

Dave,

Mary & I received a letter from the Mayor of Pretty Prairie on 4-21, requesting that we come meet with his city council regarding the nitrates/bottled water issue. I've attached a copy of the letter. We are meeting with our attorney today to discuss who, from EPA, needs to attend this meeting and what our approach will be. I was going through our Pretty Prairie file and I found the AO that was sent by EPA and the draft Consent Order from KDHE. Do you think you could send me an electronic copy of the final Consent Order and the Directive that was sent to Pretty Prairie? This will help us in our preparation for the meeting. We have not set a date for the meeting yet, but I feel it would be appropriate for KDHE to be in attendance - I will mention this to Pretty Prairie when I call to set up the meeting.

Thank you.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868[attachment "Pretty Prairie 4-16-08.pdf" deleted by Dave Waldo/Kdhe]





{In Archive} Fw: Pretty Prairie

Monica Wurtz to: Mary Mindrup

05/19/2008 01:00 PM

Cc: Ken Deason, Stacie Tucker, Chris Dudding, Diane Huffman

History: This message has been replied to.  
Archive: This message is being viewed in an archive.

----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/19/2008 12:59 PM -----



DWaldo@kdhe.state.ks.us

05/19/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc

Subject Re: Pretty Prairie

Monica, I do not anticipate KDHE requiring any specific action of Pretty Prairie, other than specified in the existing order, for the time being.

Dave

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509

Wurtz.Monica@epamail.epa.gov

05/15/2008 11:10 AM

To DWaldo@kdhe.state.ks.us

cc

Subject Re: Pretty Prairie

Dave,

Just wanted to give you a 'heads up' on a letter that EPA Region 7 is sending to Pretty Prairie in response to their April 21, 2008 letter requesting a meeting with EPA. You will be sent a copy (leaving our office

today or tomorrow). Basically, the message of the letter is that EPA appreciates the offer to meet with PP, but we will decline the meeting. KDHE is the primacy agency for enforcing the Nitrate MCL and we encourage PP to work with KDHE to come into compliance with the Nitrate MCL as soon as reasonably possible.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868

DWaldo@kdhe.state.ks.us

04/24/2008 02:43 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie

It might be good to hold up on suggesting KDHE attend, also. We can still go even if you don't bring it up. Will have to consider PP will try to pit the state against EPA on this issue.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509  
Wurtz.Monica@epamail.epa.gov

04/24/2008 09:02 AM

To dwaldo@kdhe.state.ks.us  
cc  
Subject Pretty Prairie

Dave,

Mary & I received a letter from the Mayor of Pretty Prairie on 4-21, requesting that we come meet with his city council regarding the nitrates/bottled water issue. I've attached a copy of the letter. We are meeting with our attorney today to discuss who, from EPA, needs to attend this meeting and what our approach will be. I was going through our Pretty Prairie file and I found the AO that was sent by EPA and the draft Consent Order from KDHE. Do you think you could send me an electronic copy of the final Consent Order and the Directive that was sent to Pretty Prairie? This will help us in our preparation for the meeting. We have not set a date for the meeting yet, but I feel it would be appropriate for KDHE to be in attendance - I will mention this to Pretty Prairie when I call to set up the meeting.

Thank you.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868[attachment "Pretty Prairie 4-16-08.pdf" deleted by Dave Waldo/Kdhe]





{In Archive} Re: letter to KDHE - draft / start 

**Chris Dudding** to: Monica Wurtz

Cc: Diane Huffman, Ken Deason, Mary Mindrup, Stacie Tucker

05/19/2008 12:06 PM

Archive:

This message is being viewed in an archive.

Diane and Stacie, et al.,

A few minor suggested edits (deleted "the" here, insert "has" there, etc.) from me:




EPA Ltr to KDHE about Pretty Prairie Nitrate Ltr 5.15.08.doc

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov  
Monica Wurtz/R7/USEPA/US



Monica Wurtz/R7/USEPA/US

05/19/2008 11:45 AM

To Chris Dudding/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA  
cc Diane Huffman/WWPD/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA  
Subject Re: letter to KDHE - draft / start 

Chris & Stacie,

Here is the letter to KDHE with comments from Mary, Ken & I. We strongly suggest that this letter not be sent via certified mail, out of respect for the state.

Thanks.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868  
Chris Dudding/R7/USEPA/US



Chris Dudding/R7/USEPA/US



05/15/2008 01:59 PM

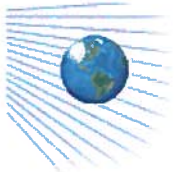
To Stacie Tucker/R7/USEPA/US@EPA  
cc Diane Huffman/WWPD/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA, Monica  
Wurtz/R7/USEPA/US@EPA  
Subject Re: letter to KDHE - draft / start

I suggest that if you're going to remove that clause referencing variances/exemptions in the last paragraph, you should go ahead and remove the last two sentences altogether, leaving

"Please note that each System's responsibility to come into compliance with the statutory and regulatory requirements of the SDWA does not end with a demonstration of economic hardship."

as the final sentence.

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov  
Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

05/15/2008 01:47 PM

To Chris Dudding/R7/USEPA/US@EPA, Monica  
Wurtz/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA  
cc Diane Huffman/WWPD/R7/USEPA/US@EPA, Mary  
Mindrup/WWPD/R7/USEPA/US  
Subject Re: letter to KDHE - draft / start

Hi all,

Here are my suggested changes, based on the feedback for the prior letter:  
[attachment "EPA Ltr to KDHE about Pretty Prairie Nitrate Ltr 5.15.08.doc" deleted by Monica  
Wurtz/R7/USEPA/US]

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Chris Dudding/R7/USEPA/US



Chris  
Dudding/R7/USEPA/US  
05/15/2008 12:13 PM

To Monica Wurtz/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA  
cc

Subject letter to KDHE - draft / start

I used prior letters as basis for structuring this one. Note, there are some policy issues that you will need to hash out w/ management, such as whether those dates are acceptable, and also what our enforcement policy is with regard to nitrate violators -- is it now a priority? Will we be reviewing nitrate violator systems over the next few months to ensure that systems are under an enforceable compliance schedule? If so, then do you want to say so under Art's signature?

[attachment "statePlanletter.doc" deleted by Monica Wurtz/R7/USEPA/US]

There may be other stuff that you want to put into this letter. Enjoy!

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
[dudding.chris@epa.gov](mailto:dudding.chris@epa.gov)







{In Archive} Re: letter to KDHE - draft / start 

Monica Wurtz to: Chris Dudding, Stacie Tucker

05/19/2008 11:45 AM

Cc: Diane Huffman, Ken Deason, Mary Mindrup

Archive: This message is being viewed in an archive.

Chris & Stacie,

Here is the letter to KDHE with comments from Mary, Ken & I. We strongly suggest that this letter not be sent via certified mail, out of respect for the state.  
Thanks.



EPA Ltr to KDHE about Pretty Prairie Nitrate Ltr 5.15.08.doc

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868  
Chris Dudding/R7/USEPA/US




Chris Dudding/R7/USEPA/US

05/15/2008 01:59 PM

To Stacie Tucker/R7/USEPA/US@EPA

cc Diane Huffman/WWPD/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA, Monica  
Wurtz/R7/USEPA/US@EPA

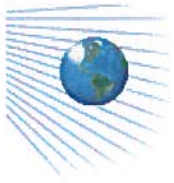
Subject Re: letter to KDHE - draft / start 

I suggest that if you're going to remove that clause referencing variances/exemptions in the last paragraph, you should go ahead and remove the last two sentences altogether, leaving

"Please note that each System's responsibility to come into compliance with the statutory and regulatory requirements of the SDWA does not end with a demonstration of economic hardship."

as the final sentence.

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov  
Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

05/15/2008 01:47 PM

To Chris Dudding/R7/USEPA/US@EPA, Monica  
Wurtz/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA  
cc Diane Huffman/WWPD/R7/USEPA/US@EPA, Mary  
Mindrup/WWPD/R7/USEPA/US  
Subject Re: letter to KDHE - draft / start

Hi all,

Here are my suggested changes, based on the feedback for the prior letter:  
[attachment "EPA Ltr to KDHE about Pretty Prairie Nitrate Ltr 5.15.08.doc" deleted by Monica  
Wurtz/R7/USEPA/US]

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Chris Dudding/R7/USEPA/US



Chris  
Dudding/R7/USEPA/US

05/15/2008 12:13 PM

To Monica Wurtz/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA  
cc

Subject letter to KDHE - draft / start

I used prior letters as basis for structuring this one. Note, there are some policy issues that you will need to hash out w/ management, such as whether those dates are acceptable, and also what our enforcement policy is with regard to nitrate violators -- is it now a priority? Will we be reviewing nitrate violator systems over the next few months to ensure that systems are under an enforceable compliance schedule? If so, then do you want to say so under Art's signature?

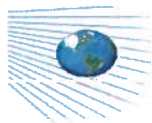
[attachment "statePlanletter.doc" deleted by Monica Wurtz/R7/USEPA/US]


There may be other stuff that you want to put into this letter. Enjoy!

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII

901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov





{In Archive} Re: Pretty Prairie   
**Stacie Tucker** to: Diane Huffman  
Cc: Monica Wurtz

05/19/2008 11:30 AM

Archive: This message is being viewed in an archive.

Here is the letter that I have for Pretty Prairie:



Pretty Prairie Nitrate Letter 5.12.08.doc

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Diane Huffman/R7/USEPA/US



Diane  
Huffman/R7/USEPA/US  
05/19/2008 11:27 AM

To: Stacie Tucker/R7/USEPA/US@EPA  
cc  
Subject: Re: Pretty Prairie 

The letter to pretty prairie  
Stacie Tucker  
----- Original Message -----

**From:** Stacie Tucker  
**Sent:** 05/19/2008 11:23 AM CDT  
**To:** Diane Huffman  
**Subject:** Re: Pretty Prairie

Hi Diane,

Do you want a copy of our letter to Pretty Prairie about Nitrates, or the letter to KDHE about Pretty Prairie?

Monica is working on drafts to the KDHE letter this morning.

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF

Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Diane Huffman/R7/USEPA/US



Diane  
Huffman/R7/USEPA/US  
05/19/2008 10:32 AM

To "Stacie Tucker" <Tucker.Stacie@epamail.epa.gov>  
cc  
Subject Pretty Prairie

Please email a copy of the letter that is being routed. Thanks



## Completed: Finalize Correspondence: Pretty Prairie Nitrates Letter

Start by **Tue 05/13/2008**

Due by **Thu 05/15/2008**

Priority: Medium

**To Do Completed:** Linda Koska has completed your To Do assignment

**Required:** Linda Koska/WWPD/R7/USEPA/US@EPA

### Description







{In Archive} Fw: PP Report  
Monica Wurtz to: Stacie Tucker

12/18/2008 09:16 AM

Archive: This message is being viewed in an archive.

Pretty Prairie engineering report

----- Forwarded by Monica Wurtz/R7/USEPA/US on 12/18/2008 09:16 AM -----



Dave Waldo  
<dwaldo@kdheks.gov>  
12/18/2008 09:00 AM

To Monica Wurtz/R7/USEPA/US@EPA  
cc  
Subject PP Report



KK thought we had sent this, but electrons are cheap--- Pretty Prairie Nitrate Feasibility Study 2007.pdf





{In Archive} Re: Pretty Prairie HUC 

Stacie Tucker to: Tabatha Adkins

Cc: Tanya Nix, Paul Marshall

07/24/2008 11:43 AM

Archive:

This message is being viewed in an archive.

Hi Tabatha,

Sorry about that - I meant to include the info.

Pretty Prairie is a small facility that has an expired/inactive (12/31/2007) permit NPDES # KS0030520. I can't find a newer NPDES permit # anywhere.

The watershed ID is 11030015 at

<http://www.epa-otis.gov/cgi-bin/get1cReport.cgi?tool=otis5&IDNumber=KS0030520>

Here is some data from the KDHE website about Pretty Prairie & the watershed:

<http://www.kdheks.gov/tmdl/la/SmootsFCB.pdf>

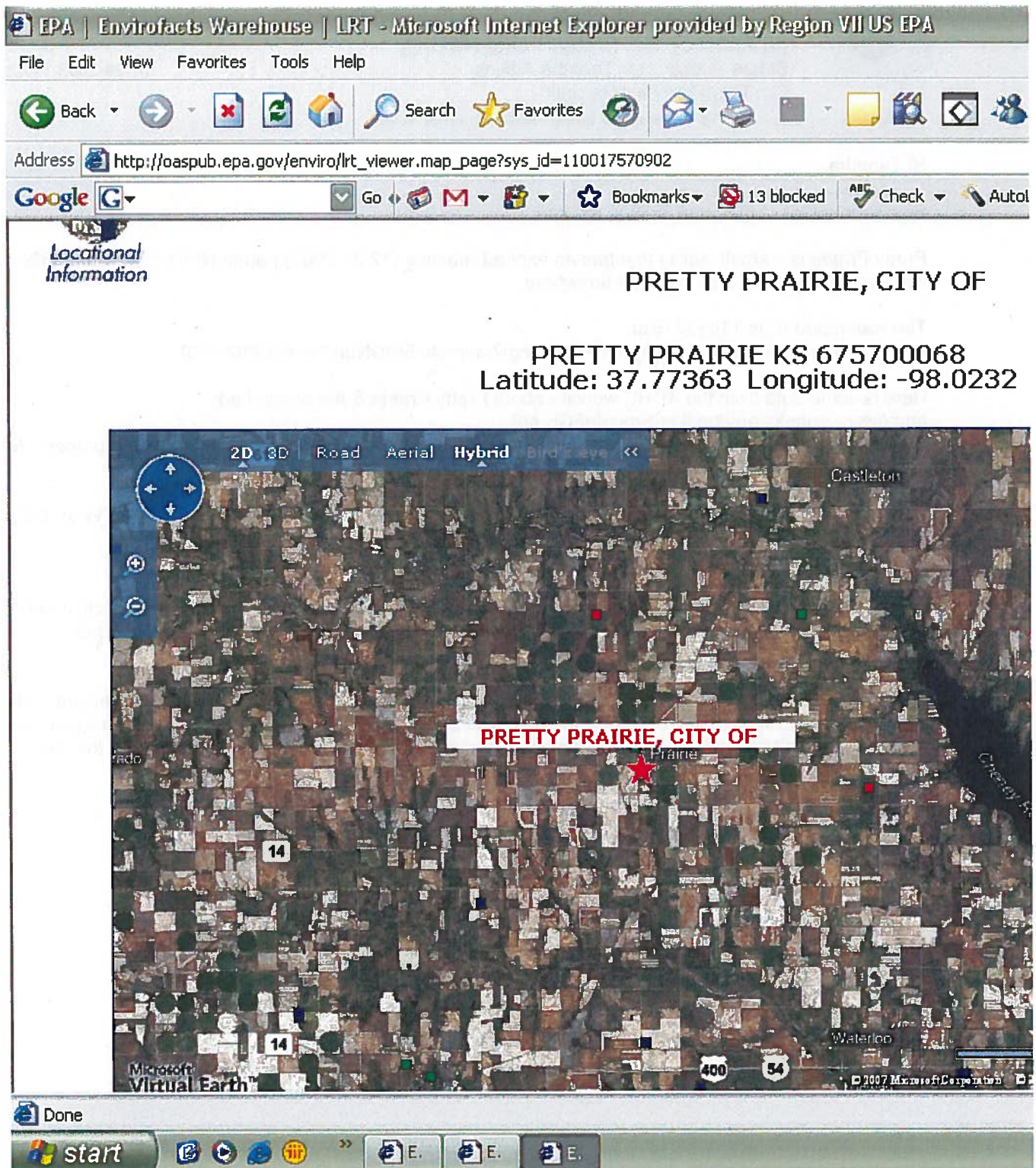
(Review developed plans and designs for Pretty Prairie to install disinfection in its treatment process & incorporate within the next NPDES permit)

According to the FY07 CWSRF Annual Report, Pretty Prairie started construction on its POTW on 6/22/06. The completed project was initially operated on 3/12/07.

<http://www.kdheks.gov/muni/download/2007AnnualReport.pdf>

According to a May 1, 2008 Public Notice from KDHE, its terminating Pretty Prairie's construction permit for waste lagoons after May 31, 2008. <http://www.kdheks.gov/water/permit/2008/20080501.pdf>

Paul - This was a suggested target for FY07 inspection by ENSV, but we cut it in May 2006 based on the info in the KDHE files. Linda reviewed the data files during the KS program review. Since this is a minor facility, she didn't see any discrepancy between minimal PCS data points and the records in the file.




Sincerely,  
Stacie  
x 7715

Tabatha Adkins/R7/USEPA/US

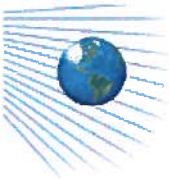


Tabatha  
Adkins/R7/USEPA/US  
07/24/2008 10:57 AM

To Stacie Tucker/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie HUC 

Do you have a permit number for Pretty Prairie?

Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US  
07/23/2008 05:27 PM

To Tabatha Adkins/R7/USEPA/US@EPA  
cc  
Subject Pretty Prairie HUC

Hi TJ,

Based on our discussion a few weeks ago, the Pretty Prairie drinking water nitrate issue (high background groundwater levels) may tie to a TMDL or wastewater treatment issue for nitrates / ammonia.

Pretty Prairie is in the following HUC (that Steve pulled for me):

11030014010 either 020 or 030 (part of a KS priority watershed - Cheney)

Is this the type of HUC info that you need?

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>







{In Archive} Pretty Prairie HUC  
Stacie Tucker to: Tabatha Adkins

07/23/2008 05:27 PM

Archive:

This message is being viewed in an archive.

Hi TJ,

Based on our discussion a few weeks ago, the Pretty Prairie drinking water nitrate issue (high background groundwater levels) may tie to a TMDL or wastewater treatment issue for nitrates / ammonia.

Pretty Prairie is in the following HUC (that Steve pulled for me):

11030014010 either 020 or 030 (part of a KS priority watershed - Cheney)

Is this the type of HUC info that you need?

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>







{In Archive} Re: Pretty Prairie HUC 

**Tabatha Adkins** to: Stacie Tucker

This message is digitally signed.

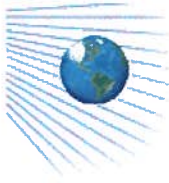
07/24/2008 10:57 AM

History: This message has been replied to.

Archive: This message is being viewed in an archive.

Do you have a permit number for Pretty Prairie?

Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

07/23/2008 05:27 PM

To Tabatha Adkins/R7/USEPA/US@EPA

cc

Subject Pretty Prairie HUC

Hi TJ,

Based on our discussion a few weeks ago, the Pretty Prairie drinking water nitrate issue (high background groundwater levels) may tie to a TMDL or wastewater treatment issue for nitrates / ammonia.

Pretty Prairie is in the following HUC (that Steve pulled for me):

11030014010 either 020 or 030 (part of a KS priority watershed - Cheney)

Is this the type of HUC info that you need?

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>





Archive:

**{In Archive} Fw: Congressional Coordination regarding Pretty Prairie, KS**

**Stacie Tucker** to: Diane Huffman

05/28/2008 03:51 PM

This message is being viewed in an archive.

FYI

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/28/2008 03:50 PM -----



**Mary Mindrup/R7/USEPA/US**

05/28/2008 03:29 PM

To Anthony Petruska/R7/USEPA/US@EPA

cc Stacie Tucker/R7/USEPA/US@EPA, Monica  
Wurtz/R7/USEPA/US@EPA

Subject Fw: Congressional Coordination regarding Pretty Prairie, KS

The letter to Pretty Prairie will be mailed tomorrow morning.

Thanks,

Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 05/28/2008 03:27 PM -----



**LaTonya  
Sanders/R7/USEPA/US**

05/28/2008 03:03 PM

To Mary Mindrup/R7/USEPA/US@EPA

cc

Subject Re: Congressional Coordination regarding Pretty Prairie, KS



Mary,

This is what I will send to the congressional offices:

FYI...

The city of Pretty Prairie requested a meeting with EPA to discuss the ongoing nitrate violations at their public water system.

EPA will send a response to the city today, asking them to continue to work with KDHE regarding this issue and to implement the findings of the feasibility study as the means to achieve compliance with the nitrate MCL.

Please note that since 1994, KDHE & EPA have been working with the city regarding this issue.

If you have any questions or need additional information, please contact me at 913-551-7555.

Thanks.

LaTonya E. Sanders  
Public Affairs Specialist/Congressional Liaison  
U.S. Environmental Protection Agency, Region 7  
Office of Regional Administrator  
Office of Public Affairs  
901 N. 5th Street  
Kansas City, KS 66101

PH: 913-551-7555  
FX: 913-551-7066  
EM: [sanders.latonya@epa.gov](mailto:sanders.latonya@epa.gov)



**{In Archive} Fw: Congressional Coordination regarding Pretty Prairie, KS**

**Mary Mindrup** to: Anthony Petruska

05/28/2008 03:29 PM

Cc: Stacie Tucker, Monica Wurtz

History: This message has been forwarded.

Archive: This message is being viewed in an archive.

The letter to Pretty Prairie will be mailed tomorrow morning.

Thanks,

Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 05/28/2008 03:27 PM -----



LaTonya  
Sanders/R7/USEPA/US  
05/28/2008 03:03 PM

To: Mary Mindrup/R7/USEPA/US@EPA

cc

Subject: Re: Congressional Coordination regarding Pretty Prairie, KS



Mary,

This is what I will send to the congressional offices:

FYI...

The city of Pretty Prairie requested a meeting with EPA to discuss the ongoing nitrate violations at their public water system.

EPA will send a response to the city today, asking them to continue to work with KDHE regarding this issue and to implement the findings of the feasibility study as the means to achieve compliance with the nitrate MCL.

Please note that since 1994, KDHE & EPA have been working with the city regarding this issue.

If you have any questions or need additional information, please contact me at 913-551-7555.

Thanks.

LaTonya E. Sanders

Public Affairs Specialist/Congressional Liaison  
U.S. Environmental Protection Agency, Region 7  
Office of Regional Administrator  
Office of Public Affairs  
901 N. 5th Street  
Kansas City, KS 66101

PH: 913-551-7555

FX: 913-551-7066

EM: [sanders.latonya@epa.gov](mailto:sanders.latonya@epa.gov)



{In Archive} Re: Pretty Prairie HUC 

**Tabatha Adkins** to: Stacie Tucker

This message is digitally signed.

07/24/2008 12:17 PM

Archive:

This message is being viewed in an archive.

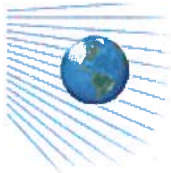
Here is a spreadsheet of TMDLs in that HUC 8. Mostly pH, Cheney Lake has a siltation and Eutrophication. I included the links to the TMDLs. Let me know if this helps or if you need more.

TJ



Pretty Prairie\_HUC11030014\_Stacie Tucker\_7-24-08.htm

Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

07/23/2008 05:27 PM

To Tabatha Adkins/R7/USEPA/US@EPA

cc

Subject Pretty Prairie HUC

Hi TJ,

Based on our discussion a few weeks ago, the Pretty Prairie drinking water nitrate issue (high background groundwater levels) may tie to a TMDL or wastewater treatment issue for nitrates / ammonia.

Pretty Prairie is in the following HUC (that Steve pulled for me):

11030014010 either 020 or 030 (part of a KS priority watershed - Cheney)

Is this the type of HUC info that you need?

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>







{In Archive} Fw: Pretty Prairie  
Stacie Tucker to: Mary Mindrup  
Cc: Monica Wurtz, Diane Huffman

05/23/2008 08:47 PM

Archive: This message is being viewed in an archive.

Here is the chronology, and the supporting documentation (if you need it):



Pretty Prairie Chronology 5.21.08.doc



EPA Amended ACO Pretty Prairie June 1994.pdf



Pretty Prairie Proposed CO from KDHE Aug 1996.pdf Pretty Prairie 1996 Consent Order 96\_E\_0263.pdf



Pretty Prairie 2007 Directive.pdf Pretty Prairie Nitrate Feasibility Study 2007.pdf



Pretty Prairie - EPA's No Bottled Water Ltr 2-4-08.pdf Pretty Prairie -Req mtg w EPA Ltr 4-16-08.pdf

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/23/2008 08:42 PM -----



Diane  
Huffman/R7/USEPA/US  
05/23/2008 02:50 PM

To "Stacie Tucker" <Tucker.Stacie@epamail.epa.gov>  
cc  
Subject Pretty Prairie

Get the chronology to Mary - she is handling this for while i am out. Thanks.





**{In Archive} PP letter on use of bottled water**

**Monica Wurtz** to: Stacie Tucker

05/22/2008 09:05 AM

Archive:

This message is being viewed in an archive.




Pretty Prairie 2-4-08.pdf Pretty Prairie.doc

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868





{In Archive} Re: Fw: Pretty Prairie   
Chris Dudding to: Stacie Tucker

05/20/2008 02:25 PM

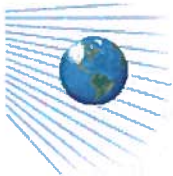
Archive:

This message is being viewed in an archive.

If you want to cite to potential penalty liability, I'd say instead w/ regard to penalties that a violator of a drinking water regulation or of an order issued by the EPA may subject the violator to a penalty of as much as \$32,500 per day of violation.

Any feedback from Diane about the letter and your proposed additions? I generally agree w/ your intent and reasoning.

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov  
Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US  
05/19/2008 05:31 PM

To Monica Wurtz/R7/USEPA/US@EPA, Chris  
Dudding/R7/USEPA/US@EPA  
cc Diane Huffman/WWPD/R7/USEPA/US@EPA, Mary  
Mindrup/WWPD/R7/USEPA/US  
Subject Fw: Pretty Prairie

Hi Monica & Chris,

I think that we need to include some sort of timeframe expectation for KDHE to resolve the nitrate MCL violations at this PWS. I think this might give KDHE more leverage in getting Pretty Prairie to move towards compliance, if we're in the supportive role as EPA, "gorilla in the closet."

I don't think the tone of our letter should change toward KDHE, but I think that KDHE should be able to use the letter to support actions that they need to take to get Pretty Prairie and at least four other PWSs that have nitrate MCL violations to make every effort to return to compliance (RTC).

1. City of Argonia, PWS ID # KS2019116 - Nitrate Consent Order expires in 2010.
2. City of Arlington, PWS ID # KS2015511 - Nitrate Consent Order expires in 2010.
3. Harper Co. RWD 4, PWS ID # ? - Nitrate Consent Order expires in 2010.
4. Norwich, PWS ID # ? - Nitrate Consent Order expires in 2011.

I think we should copy the city of Pretty Prairie in our letter to KDHE, so that Pretty Prairie sees our coordination with KDHE. That way the city can see that EPA is coordinating with the state, and (hopefully) Pretty Prairie won't try to play KDHE against EPA or vice versa.

- Pretty Prairie has had enforcement actions with KDHE since 1989, with very little progress towards full RTC with the nitrate MCL.
- I think it's important that we use clear dates and consequences to get our point across, especially if

we copy Pretty Prairie in our letter to KDHE.

- All of the KDHE Orders had compliance steps, but none of the KDHE Orders had hard and fast milestone dates that Pretty Prairie had to meet to RTC with a rule that's been in place for nearly 20 years.

Can we include something like this in the letter...

"EPA recommends that KDHE, as the primacy agency, (immediately) refer the city of Pretty Prairie for formal enforcement by EPA for the following reasons:

1. If KDHE and the city of Pretty Prairie cannot reach an enforceable compliance agreement by December 31, 2008,
2. If the city of Pretty Prairie cannot provide proof that it will be able to comply with the nitrate MCL within 3 years of the date of this letter (to KDHE),
3. If the city of Pretty Prairie does not begin to implement a plan to achieve full compliance with the SDWA, including providing progress reports to KDHE within 1 year of the date of this letter (to KDHE),
4. If the city of Pretty Prairie cannot provide proof that it has a significant economic hardship to meet the nitrate MCL requirement, after coordinating with the SEFC within 1 year of the date of this letter (to KDHE).

EPA will partner with KDHE to ensure that violations of the nitrate MCL and lack of compliance with the SDWA do not pose further harm to public health or the environment. EPA has many enforcement tools available to persuade violators to return to compliance with the federal SDWA. If EPA deems it necessary, we have the enforcement authority to seek \$11,500 per violation per day pursuant to the SDWA."

- I'm not sure what our administrative penalty is within SDWA, but I think that it might get Pretty Prairie's attention - both our enforcement support of KDHE and the potential EPA enforcement consequences.
- If KDHE does refer Pretty Prairie to EPA for enforcement, then EPA's options to address the violations haven't been limited in correspondence.
- This way we can move forward with whatever action we need to take, while still supporting KDHE as the primacy agency
- We can be sure that KDHE and Pretty Prairie are aware of what timeframe we expect significant good faith efforts (or proof of inability to pay) and/or RTC to occur - rather than a flexibly interpreted "as soon as reasonably practicable".
- We don't want to have to wait another 3 years for proof that Pretty Prairie hasn't complied with the requirements of the nitrate MCL in the NPDWR & SDWA.
- I think it clarifies the supporting message that we're involved (supporting KDHE's actions) to achieve compliance with this PWS within a specific timeframe.

I agree with your edits:



EPA Ltr to KDHE about Pretty Prairie Nitrate Ltr 5.19.08.doc

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/19/2008 04:28 PM -----




Monica Wurtz/R7/USEPA/US

05/19/2008 03:53 PM

To Stacie Tucker/R7/USEPA/US@EPA

cc

Subject Re: Fw: Pretty Prairie 

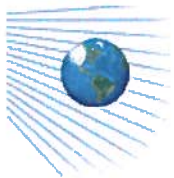
Stacie,

I believe Dave was referring to the Directive, but I am not positive about that. KDHE considers the Directive to be an enforcement action and so far Pretty Prairie has met the requirements by having the feasibility study completed. You are correct in that the Directive does not contain implementation dates or compliance milestones, which is why it is important that we send our letter to KDHE. The letter is basically telling KDHE that we expect them to put PP on a schedule to implement an option from the feasibility study. If not, KDHE needs to either pursue further enforcement action, or EPA will take action.

If you feel more comfortable by putting in a return to compliance deadline for PP, go for it. I would give them at least 3 years though.

Thanks.  
Monica

Stacie Tucker/R7/USEPA/US




Stacie Tucker/R7/USEPA/US

05/19/2008 02:02 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc Chris Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA

Subject Re: Fw: Pretty Prairie 

Hi Monica,

What does Dave mean? I don't think the Pretty Prairie Order is in effect anymore. The most recent Order expired in 2003, and Pretty Prairie didn't meet those requirements.

KDHE has a Directive with the city, but it doesn't sound like Pretty Prairie is meeting those requirements either. Does Dave consider the Directive to be an Order, or does he consider the Directive to be an enforcement action?

How will KDHE hold the city accountable, since Pretty Prairie has been violating the Nitrate MCL since at least spring 1989 - including multiple enforcement actions?

[attachment "Pretty Prairie Nitrate Summary 5.19.08.doc" deleted by Monica Wurtz/R7/USEPA/US]

[attachment "Pretty Prairie 1996 Consent Order 96\_E\_0263.pdf" deleted by Monica  
Wurtz/R7/USEPA/US] [attachment "Pretty Prairie 2007 Directive.pdf" deleted by Monica  
Wurtz/R7/USEPA/US]

FYI - the July 2007 KDHE Directive seems to allow bottled water indefinitely, under Paragraph 2.b.

Also, the Feasibility Study requirement in the Directive has no implementation dates or milestone action dates - which is what I think we need to have Pretty Prairie commit to meet in the next 1-5 years (depending on construction costs, ability to pay, fees/rates, etc.).

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Monica Wurtz/R7/USEPA/US



Monica  
Wurtz/R7/USEPA/US  
05/19/2008 01:00 PM

To Mary Mindrup/R7/USEPA/US@EPA  
cc Ken Deason/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA, Chris  
Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA  
Subject Fw: Pretty Prairie

----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/19/2008 12:59 PM -----



DWaldo@kdhe.state.ks.us  
05/19/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie

Monica, I do not anticipate KDHE requiring any specific action of Pretty Prairie, other than specified in the existing order, for the time being.

Dave

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503



Fax 785 296 5509

Wurtz.Monica@epamail.epa.gov

05/15/2008 11:10 AM

To DWaldo@kdhe.state.ks.us

cc

Subject Re: Pretty Prairie

Dave,

Just wanted to give you a 'heads up' on a letter that EPA Region 7 is sending to Pretty Prairie in response to their April 21, 2008 letter requesting a meeting with EPA. You will be sent a copy (leaving our office today or tomorrow). Basically, the message of the letter is that EPA appreciates the offer to meet with PP, but we will decline the meeting. KDHE is the primacy agency for enforcing the Nitrate MCL and we encourage PP to work with KDHE to come into compliance with the Nitrate MCL as soon as reasonably possible.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868

DWaldo@kdhe.state.ks.us

04/24/2008 02:43 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc

Subject Re: Pretty Prairie

It might be good to hold up on suggesting KDHE attend, also. We can still go even if you don't bring it up. Will have to consider PP will try to pit the state against EPA on this issue.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509  
Wurtz.Monica@epamail.epa.gov

04/24/2008 09:02 AM

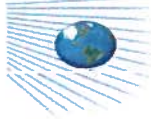
To dwaldo@kdhe.state.ks.us  
cc  
Subject Pretty Prairie

Dave,

Mary & I received a letter from the Mayor of Pretty Prairie on 4-21, requesting that we come meet with his city council regarding the nitrates/bottled water issue. I've attached a copy of the letter. We are meeting with our attorney today to discuss who, from EPA, needs to attend this meeting and what our approach will be. I was going through our Pretty Prairie file and I found the AO that was sent by EPA and the draft Consent Order from KDHE. Do you think you could send me an electronic copy of the final Consent Order and the Directive that was sent to Pretty Prairie? This will help us in our preparation for the meeting. We have not set a date for the meeting yet, but I feel it would be appropriate for KDHE to be in attendance - I will mention this to Pretty Prairie when I call to set up the meeting.

Thank you.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868[attachment "Pretty Prairie 4-16-08.pdf" deleted by Dave Waldo/Kdhe]



{In Archive} Fw: Pretty Prairie

Stacie Tucker to: Monica Wurtz, Chris Dudding

Cc: Diane Huffman, Mary Mindrup

05/19/2008 05:31 PM

Archive:

This message is being viewed in an archive.

Hi Monica & Chris,

I think that we need to include some sort of timeframe expectation for KDHE to resolve the nitrate MCL violations at this PWS. I think this might give KDHE more leverage in getting Pretty Prairie to move towards compliance, if we're in the supportive role as EPA, "gorilla in the closet."

I don't think the tone of our letter should change toward KDHE, but I think that KDHE should be able to use the letter to support actions that they need to take to get Pretty Prairie and at least four other PWSs that have nitrate MCL violations to make every effort to return to compliance (RTC).

1. City of Argonia, PWS ID # KS2019116 - Nitrate Consent Order expires in 2010.
2. City of Arlington, PWS ID # KS2015511 - Nitrate Consent Order expires in 2010.
3. Harper Co. RWD 4, PWS ID # ? - Nitrate Consent Order expires in 2010.
4. Norwich, PWS ID # ? - Nitrate Consent Order expires in 2011.

I think we should copy the city of Pretty Prairie in our letter to KDHE, so that Pretty Prairie sees our coordination with KDHE. That way the city can see that EPA is coordinating with the state, and (hopefully) Pretty Prairie won't try to play KDHE against EPA or vice versa.

- Pretty Prairie has had enforcement actions with KDHE since 1989, with very little progress towards full RTC with the nitrate MCL.
- I think it's important that we use clear dates and consequences to get our point across, especially if we copy Pretty Prairie in our letter to KDHE.
- All of the KDHE Orders had compliance steps, but none of the KDHE Orders had hard and fast milestone dates that Pretty Prairie had to meet to RTC with a rule that's been in place for nearly 20 years.

Can we include something like this in the letter...

"EPA recommends that KDHE, as the primacy agency, (immediately) refer the city of Pretty Prairie for formal enforcement by EPA for the following reasons:

1. If KDHE and the city of Pretty Prairie cannot reach an enforceable compliance agreement by December 31, 2008,
2. If the city of Pretty Prairie cannot provide proof that it will be able to comply with the nitrate MCL within 3 years of the date of this letter (to KDHE),
3. If the city of Pretty Prairie does not begin to implement a plan to achieve full compliance with the SDWA, including providing progress reports to KDHE within 1 year of the date of this letter (to KDHE),
4. If the city of Pretty Prairie cannot provide proof that it has a significant economic hardship to meet the nitrate MCL requirement, after coordinating with the SEFC within 1 year of the date of this letter (to KDHE).

EPA will partner with KDHE to ensure that violations of the nitrate MCL and lack of compliance with the SDWA do not pose further harm to public health or the environment. EPA has many enforcement tools available to persuade violators to return to compliance with the federal SDWA. If EPA deems it necessary, we have the enforcement authority to seek \$11,500 per violation per day pursuant to the SDWA."

- I'm not sure what our administrative penalty is within SDWA, but I think that it might get Pretty Prairie's attention - both our enforcement support of KDHE and the potential EPA enforcement consequences.

- If KDHE does refer Pretty Prairie to EPA for enforcement, then EPA's options to address the violations haven't been limited in correspondence.
- This way we can move forward with whatever action we need to take, while still supporting KDHE as the primacy agency
- We can be sure that KDHE and Pretty Prairie are aware of what timeframe we expect significant good faith efforts (or proof of inability to pay) and/or RTC to occur - rather than a flexibly interpreted "as soon as reasonably practicable".
- We don't want to have to wait another 3 years for proof that Pretty Prairie hasn't complied with the requirements of the nitrate MCL in the NPDWR & SDWA.
- I think it clarifies the supporting message that we're involved (supporting KDHE's actions) to achieve compliance with this PWS within a specific timeframe.

I agree with your edits:



EPA Ltr to KDHE about Pretty Prairie Nitrate Ltr 5.19.08.doc

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/19/2008 04:28 PM -----



Monica Wurtz/R7/USEPA/US

05/19/2008 03:53 PM

To Stacie Tucker/R7/USEPA/US@EPA

cc

Subject Re: Fw: Pretty Prairie

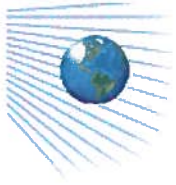
Stacie,

I believe Dave was referring to the Directive, but I am not positive about that. KDHE considers the Directive to be an enforcement action and so far Pretty Prairie has met the requirements by having the feasibility study completed. You are correct in that the Directive does not contain implementation dates or compliance milestones, which is why it is important that we send our letter to KDHE. The letter is basically telling KDHE that we expect them to put PP on a schedule to implement an option from the feasibility study. If not, KDHE needs to either pursue further enforcement action, or EPA will take action.

If you feel more comfortable by putting in a return to compliance deadline for PP, go for it. I would give them at least 3 years though.

Thanks.  
Monica

Stacie Tucker/R7/USEPA/US




Stacie Tucker/R7/USEPA/US

05/19/2008 02:02 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc Chris Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA

Subject Re: Fw: Pretty Prairie 

Hi Monica,

What does Dave mean? I don't think the Pretty Prairie Order is in effect anymore. The most recent Order expired in 2003, and Pretty Prairie didn't meet those requirements.

KDHE has a Directive with the city, but it doesn't sound like Pretty Prairie is meeting those requirements either. Does Dave consider the Directive to be an Order, or does he consider the Directive to be an enforcement action?

How will KDHE hold the city accountable, since Pretty Prairie has been violating the Nitrate MCL since at least spring 1989 - including multiple enforcement actions?

[attachment "Pretty Prairie Nitrate Summary 5.19.08.doc" deleted by Monica Wurtz/R7/USEPA/US]

[attachment "Pretty Prairie 1996 Consent Order 96\_E\_0263.pdf" deleted by Monica  
Wurtz/R7/USEPA/US] [attachment "Pretty Prairie 2007 Directive.pdf" deleted by Monica  
Wurtz/R7/USEPA/US]

FYI - the July 2007 KDHE Directive seems to allow bottled water indefinitely, under Paragraph 2.b.

Also, the Feasibility Study requirement in the Directive has no implementation dates or milestone action dates - which is what I think we need to have Pretty Prairie commit to meet in the next 1-5 years (depending on construction costs, ability to pay, fees/rates, etc.).

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Monica Wurtz/R7/USEPA/US



Monica Wurtz/R7/USEPA/US

05/19/2008 01:00 PM

To Mary Mindrup/R7/USEPA/US@EPA

cc Ken Deason/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA, Chris  
Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA

Subject Fw: Pretty Prairie



----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/19/2008 12:59 PM -----



DWaldo@kdhe.state.ks.us

05/19/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc

Subject Re: Pretty Prairie

Monica, I do not anticipate KDHE requiring any specific action of Pretty Prairie, other than specified in the existing order, for the time being.

Dave

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509

Wurtz.Monica@epamail.epa.gov

05/15/2008 11:10 AM

To DWaldo@kdhe.state.ks.us

cc

Subject Re: Pretty Prairie

Dave,

Just wanted to give you a 'heads up' on a letter that EPA Region 7 is sending to Pretty Prairie in response to their April 21, 2008 letter requesting a meeting with EPA. You will be sent a copy (leaving our office today or tomorrow). Basically, the message of the letter is that EPA appreciates the offer to meet with PP, but we will decline the meeting. KDHE is the primacy agency for enforcing the Nitrate MCL and we encourage PP to work with KDHE to come into compliance with the Nitrate MCL as soon as reasonably possible.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868

DWaldo@kdhe.state.ks.us

04/24/2008 02:43 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie

It might be good to hold up on suggesting KDHE attend, also. We can still go even if you don't bring it up. Will have to consider PP will try to pit the state against EPA on this issue.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509  
Wurtz.Monica@epamail.epa.gov

04/24/2008 09:02 AM

To dwaldo@kdhe.state.ks.us  
cc  
Subject Pretty Prairie

Dave,

Mary & I received a letter from the Mayor of Pretty Prairie on 4-21, requesting that we come meet with his city council regarding the nitrates/bottled water issue. I've attached a copy of the letter. We are meeting with our attorney today to discuss who, from EPA, needs to attend this meeting and what our approach will be. I was going through our Pretty Prairie file and I found the AO that was sent by EPA and the draft Consent Order from KDHE. Do you think you could send me an electronic copy of the final Consent Order and the Directive that was sent to Pretty Prairie? This will help us in our preparation for the meeting. We have not set a date for the meeting yet, but I feel it would be appropriate for KDHE to be in attendance - I will mention this to Pretty Prairie when I call to set up the meeting.

Thank you.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868[attachment "Pretty Prairie 4-16-08.pdf" deleted by Dave Waldo/Kdhe]





{In Archive} Re: Fw: Pretty Prairie   
Monica Wurtz to: Stacie Tucker

05/19/2008 03:53 PM

History: This message has been forwarded.  
Archive: This message is being viewed in an archive.

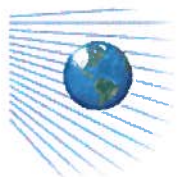
Stacie,

I believe Dave was referring to the Directive, but I am not positive about that. KDHE considers the Directive to be an enforcement action and so far Pretty Prairie has met the requirements by having the feasibility study completed. You are correct in that the Directive does not contain implementation dates or compliance milestones, which is why it is important that we send our letter to KDHE. The letter is basically telling KDHE that we expect them to put PP on a schedule to implement an option from the feasibility study. If not, KDHE needs to either pursue further enforcement action, or EPA will take action.

If you feel more comfortable by putting in a return to compliance deadline for PP, go for it. I would give them at least 3 years though.

Thanks.  
Monica

Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US  
05/19/2008 02:02 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc Chris Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA  
Subject Re: Fw: Pretty Prairie 

Hi Monica,

What does Dave mean? I don't think the Pretty Prairie Order is in effect anymore. The most recent Order expired in 2003, and Pretty Prairie didn't meet those requirements.

KDHE has a Directive with the city, but it doesn't sound like Pretty Prairie is meeting those requirements either. Does Dave consider the Directive to be an Order, or does he consider the Directive to be an enforcement action?

How will KDHE hold the city accountable, since Pretty Prairie has been violating the Nitrate MCL since at least spring 1989 - including multiple enforcement actions?

[attachment "Pretty Prairie Nitrate Summary 5.19.08.doc" deleted by Monica Wurtz/R7/USEPA/US]  
[attachment "Pretty Prairie 1996 Consent Order 96\_E\_0263.pdf" deleted by Monica  
Wurtz/R7/USEPA/US] [attachment "Pretty Prairie 2007 Directive.pdf" deleted by Monica  
Wurtz/R7/USEPA/US]

FYI - the July 2007 KDHE Directive seems to allow bottled water indefinitely, under Paragraph 2.b.

Also, the Feasibility Study requirement in the Directive has no implementation dates or milestone action dates - which is what I think we need to have Pretty Prairie commit to meet in the next 1-5 years (depending on construction costs, ability to pay, fees/rates, etc.).

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Monica Wurtz/R7/USEPA/US



Monica Wurtz/R7/USEPA/US

05/19/2008 01:00 PM

To Mary Mindrup/R7/USEPA/US@EPA  
cc Ken Deason/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA, Chris  
Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA  
Subject Fw: Pretty Prairie

----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/19/2008 12:59 PM -----



DWaldo@kdhe.state.ks.us

05/19/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie

Monica, I do not anticipate KDHE requiring any specific action of Pretty Prairie, other than specified in the existing order, for the time being.

Dave

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509

Wurtz.Monica@epamail.epa.gov

05/15/2008 11:10 AM

To DWaldo@kdhe.state.ks.us

cc

Subject Re: Pretty Prairie

Dave,

Just wanted to give you a 'heads up' on a letter that EPA Region 7 is sending to Pretty Prairie in response to their April 21, 2008 letter requesting a meeting with EPA. You will be sent a copy (leaving our office today or tomorrow). Basically, the message of the letter is that EPA appreciates the offer to meet with PP, but we will decline the meeting. KDHE is the primacy agency for enforcing the Nitrate MCL and we encourage PP to work with KDHE to come into compliance with the Nitrate MCL as soon as reasonably possible.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868

DWaldo@kdhe.state.ks.us

04/24/2008 02:43 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc

Subject Re: Pretty Prairie

It might be good to hold up on suggesting KDHE attend, also. We can still go even if you don't bring it up. Will have to consider PP will try to pit the state against EPA on this issue.

David F. Waldo, PE  
Bureau of Water-Public Water Supply

Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509  
Wurtz.Monica@epamail.epa.gov

04/24/2008 09:02 AM

To dwaldo@kdhe.state.ks.us  
cc  
Subject Pretty Prairie

Dave,

Mary & I received a letter from the Mayor of Pretty Prairie on 4-21, requesting that we come meet with his city council regarding the nitrates/bottled water issue. I've attached a copy of the letter. We are meeting with our attorney today to discuss who, from EPA, needs to attend this meeting and what our approach will be. I was going through our Pretty Prairie file and I found the AO that was sent by EPA and the draft Consent Order from KDHE. Do you think you could send me an electronic copy of the final Consent Order and the Directive that was sent to Pretty Prairie? This will help us in our preparation for the meeting. We have not set a date for the meeting yet, but I feel it would be appropriate for KDHE to be in attendance - I will mention this to Pretty Prairie when I call to set up the meeting.

Thank you.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868[attachment "Pretty Prairie 4-16-08.pdf" deleted by Dave Waldo/Kdhe]



{In Archive} Re: Pretty Prairie HUC

Tabatha Adkins to: Stacie Tucker

This message is digitally signed.

07/24/2008 12:52 PM

Archive:

This message is being viewed in an archive.



Pretty Prairie\_HUC11030015\_Stacie Tucker\_7-24-08.htm

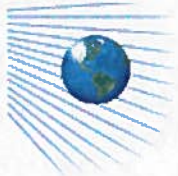
Also have one Permit In Lieu of a TMDL listed in that HUC. So at one time S. Fk. Ninnescah River was impaired for ammonia.

KS-LA-15-XXX 4	South Fork Ninnescah River	Lower Arkansas	Ammonia	9/11/2000	Seq Batch R	Pratt	KS0
----------------	-------------------------------	----------------	---------	-----------	-------------	-------	-----

Smoots mentions Pretty Prairie as a source within the TMDL.

Tabatha Adkins, WQMB  
WWPD, USEPA Region 7  
901 North 5th Street  
Kansas City, KS 66101  
913.551.7128  
adkins.tabatha@epa.gov

Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US

07/24/2008 11:43 AM

To Tabatha Adkins/R7/USEPA/US@EPA

cc Tanya Nix/R7/USEPA/US@EPA, Paul  
Marshall/R7/USEPA/US@EPA

Subject Re: Pretty Prairie HUC

Hi Tabatha,

Sorry about that - I meant to include the info.

Pretty Prairie is a small facility that has an expired/inactive (12/31/2007) permit NPDES # KS0030520. I can't find a newer NPDES permit # anywhere.

The watershed ID is 11030015 at  
<http://www.epa-otis.gov/cgi-bin/get1cReport.cgi?tool=otis5&IDNumber=KS0030520>

Here is some data from the KDHE website about Pretty Prairie & the watershed:  
<http://www.kdheks.gov/tmdl/la/SmootsFCB.pdf>  
(Review developed plans and designs for Pretty Prairie to install disinfection in its treatment process & incorporate within the next NPDES permit)

According to the FY07 CWSRF Annual Report, Pretty Prairie started construction on its POTW on 6/22/06. The completed project was initially operated on 3/12/07.  
<http://www.kdheks.gov/muni/download/2007AnnualReport.pdf>

According to a May 1, 2008 Public Notice from KDHE, its terminating Pretty Prairie's construction permit for waste lagoons after May 31, 2008. <http://www.kdheks.gov/water/permit/2008/20080501.pdf>



Paul - This was a suggested target for FY07 inspection by ENSV, but we cut it in May 2006 based on the info in the KDHE files. Linda reviewed the data files during the KS program review. Since this is a minor facility, she didn't see any discrepancy between minimal PCS data points and the records in the file.

EPA | Envirofacts Warehouse | LRT - Microsoft Internet Explorer provided by Region VII US EPA

File Edit View Favorites Tools Help

Back Forward Stop Reload Home Search Favorites RSS Print Mail News Groups Shopping

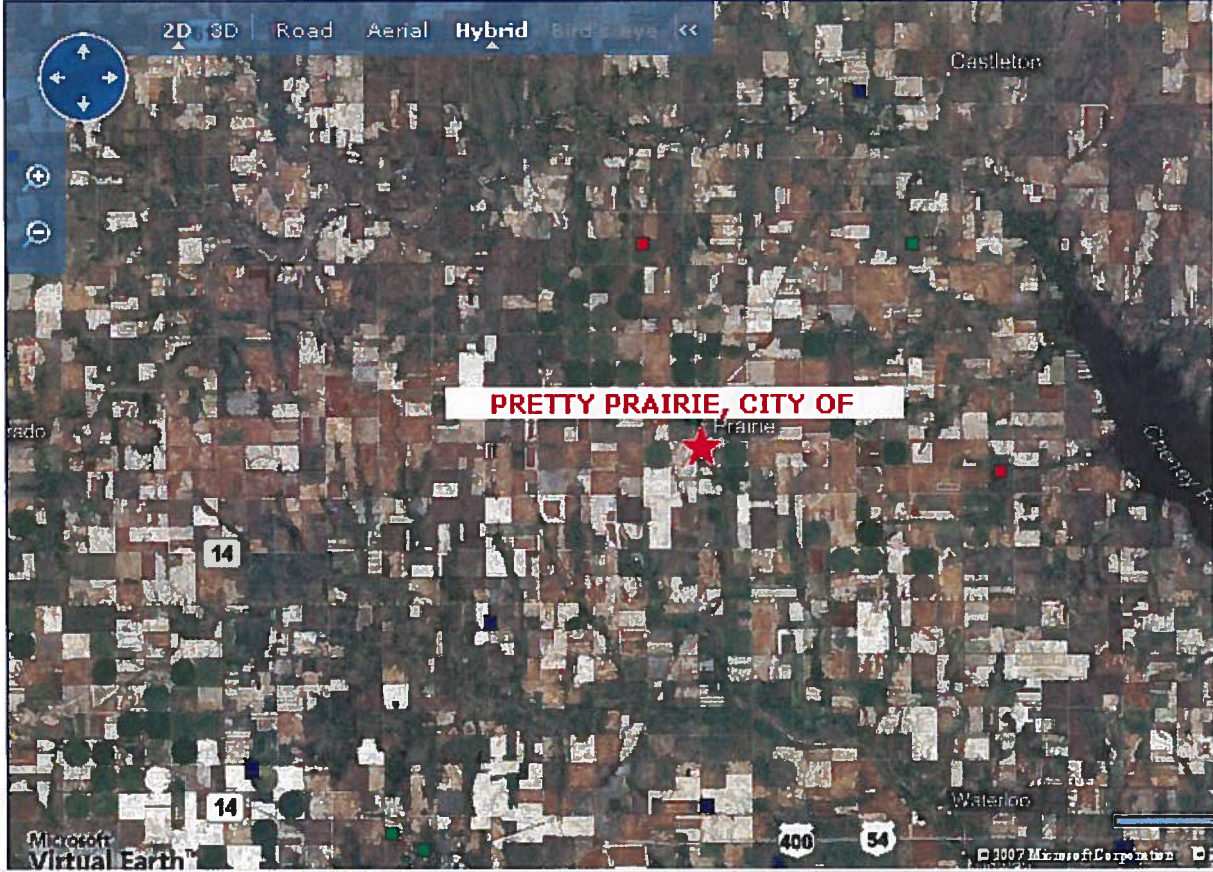
Address [http://oaspub.epa.gov/enviro/lrt\\_viewer.map\\_page?sys\\_id=110017570902](http://oaspub.epa.gov/enviro/lrt_viewer.map_page?sys_id=110017570902)

Google G Go M Bookmarks 13 blocked Check Autol

Locational Information

PRETTY PRAIRIE, CITY OF

PRETTY PRAIRIE KS 675700068  
Latitude: 37.77363 Longitude: -98.0232



Microsoft Virtual Earth

Done

start E. E. E.

Sincerely,  
Stacie  
x 7715

Tabatha Adkins/R7/USEPA/US

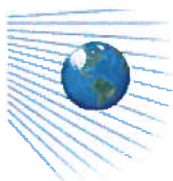


Tabatha  
Adkins/R7/USEPA/US  
07/24/2008 10:57 AM

To Stacie Tucker/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie HUC

Do you have a permit number for Pretty Prairie?

Stacie Tucker/R7/USEPA/US



Stacie Tucker/R7/USEPA/US  
07/23/2008 05:27 PM

To Tabatha Adkins/R7/USEPA/US@EPA  
cc  
Subject Pretty Prairie HUC

Hi TJ,

Based on our discussion a few weeks ago, the Pretty Prairie drinking water nitrate issue (high background groundwater levels) may tie to a TMDL or wastewater treatment issue for nitrates / ammonia.

Pretty Prairie is in the following HUC (that Steve pulled for me):

11030014010 either 020 or 030 (part of a KS priority watershed - Cheney)

Is this the type of HUC info that you need?

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

